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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 BYRON EUGENE JOHNSON,

10 Petitioner,

No. CIV S-04-0253 LKK EFB P

11 vs.

12 D.L. RUNNELS,

13 Respondent.

ORDER

14 _____/
15 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28
16 U.S.C. § 2254. He has requested that the court appoint counsel. There currently exists no
17 absolute right to appointment of counsel in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d
18 453, 460 (9th Cir. 1996). The court may appointment counsel at any stage of the proceedings “if
19 the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing
20 Section 2254 Cases. The matter stands submitted for decision. There is nothing further for
21 petitioner to do at this point. Accordingly, the court does not find that the interests of justice
22 would be served by the appointment of counsel at this stage of the proceedings.

23 Accordingly, it hereby is ORDERED that petitioner’s October 30, 2009 request for
24 appointment of counsel is denied without prejudice.

25 DATED: November 10, 2009.

26

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE